

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TERRISA DRAKE,

Plaintiff,

v.

COLLECTECH DIVERSIFIED, INC., and
LUBBOCK POWER AND LIGHT;

Defendants.

No. 5:21-CV-00147

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

I.

Collectech Diversified, Inc. is a named defendant in a civil action filed on January 20, 2021, in Justice of the Peace court, Precinct 3, Guadalupe County, Texas. A copy of all required documents is attached hereto.

II.

The citation was served on Collectech Diversified, Inc. on February 2, 2021. This notice of removal is filed within 30 days of service and is timely pursuant to 28 U.S.C. § 1446(b).

III.

The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Collectech pursuant to 28 U.S.C. §§ 1441 and 1446. The state-court petition alleges violations of the Fair Debt Collection Practices Act and the Fair Credit Reporting Act, and thus the action arises “under the Constitution, laws, or treaties of the United States.” *See* 28 U.S.C. § 1331.

IV.

Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter as the case arises under federal law.

Respectfully submitted,

JENKINS & YOUNG, P.C.
P.O. Box 420
Lubbock, Texas 79408
(806) 796-7351
(806) 771-8755 FAX
Email: jdjservice@jwylaw.com

By: /s/ Jody D. Jenkins

Jody D. Jenkins
State Bar No. 24029634
ATTORNEYS FOR COLLECTECH

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Collectech consulted with counsel for the unserved defendant, Lubbock Power and Light, regarding this case on February 10th and 11th, 2021, and Lubbock Power and Light is in agreement with removal of this case.

/s/ Jody D. Jenkins
Jody D. Jenkins

CERTIFICATE OF SERVICE

This is to certify that a copy of this document has been served on all parties via certified mail on the ~~12th~~ day of February, 2021.
15th

/s/ Jody D. Jenkins
Jody D. Jenkins

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Terrisa Drake

(b) County of Residence of First Listed Plaintiff Guadalupe
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se

DEFENDANTS

Collectech Diversified, Inc.; Lubbock Power and Light

County of Residence of First Listed Defendant Lubbock
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jody Jenkins (Collectech Diversified); Manny Newburger
(Lubbock Power and Light)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1692; 15 U.S.C. 1681

Brief description of cause:

Allegations of FDCPA/FCRA violations

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$10,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/12/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
San Antonio ☐ DIVISION

Supplement to JS 44 Civil Cover Sheet
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

STATE COURT INFORMATION:

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

Guadalupe County Justice of the Peace, Precinct No. 3
Cause No. JSC3-1902; Terrisa Drake v. Collectech Diversified, Inc. and Lubbock Power and Light

2. Was jury demand made in State Court? ☐ Yes ☒ No

If yes, by which party and on what date?

Party Name

Date

STATE COURT INFORMATION:

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Plaintiff: Terrisa Drake

Defendants: (1) Collectech Diversified, represented by Jody Jenkins, 1623 10th Street, Lubbock, Texas 79401; Phone 806-796-7351, Fax 806-771-8755

(2) Lubbock Power and Light, represented by Manny Newburger, 7320 N. Mopac Expressway, Suite 400, Austin, Texas 78731; Phone 512-476-9103; Fax 512-279-0310

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

Lubbock Power and Light has not yet been served. The reason for delay in service is unknown to Collectech Diversified.

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

Not applicable.

COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

None.

VERIFICATION:

2/12/2021

Attorney for Removing Party

Date

Collectech Diversified

Party/Parties

(NOTE: Additional comment space is available on page 3)

ADDITIONAL COMMENTS (As necessary):

Lubbock Power and Light has consented to the removal of this case through their general counsel, Jenny Smith, on February 10, 2021. It is Collectech's understanding that Lubbock Power and Light has not yet been served.

2/11/2021

judicial.co.guadalupe.tx.us/CaseDetail.aspx?CaseID=920449

Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location : Guadalupe Help

REGISTER OF ACTIONS**CASE No. JSC3-1902****PARTY INFORMATION**

Defendant	COLLECTECH DIVERSIFIED INC, LUBBOCK POWER AND LIGHT	Attorneys
Plaintiff	DRAKE, TERRISA	

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS		
01/20/2021	Case Filed (OCA New Case)		
01/20/2021	Comment		
01/28/2021	CITATION ASSIGNED		
01/28/2021	Small Claims Citation		
	COLLECTECH DIVERSIFIED INC, LUBBOCK POWER AND LIGHT	Served	02/02/2021
		Response Due	02/12/2021
		Returned	02/09/2021
01/28/2021	Comment		
02/02/2021	Comment		
02/02/2021	CITATION EXECUTED		
02/08/2021	Comment		
02/09/2021	CITATION RETURNED		
02/10/2021	Comment		

FINANCIAL INFORMATION

	Plaintiff DRAKE, TERRISA		
	Total Financial Assessment		46.00
	Total Payments and Credits		46.00
	Balance Due as of 02/11/2021		0.00
01/20/2021	Transaction Assessment		131.00
01/20/2021	Payment	Receipt # 13032-J3	(46.00)
		DRAKE, TERRISA	

THE STATE OF TEXAS
COUNTY OF GUADALUPE
SMALL CLAIMS CITATION

TO: Collectech Diversified Inc, Lubbock Power And Light
1721 45th Street
Lubbock Tx 79412

You have been sued. You may employ an attorney. If you or your attorney does not file a *written* answer with the clerk who issued this citation by the expiration of fourteen days after you were served this citation and petition, a default judgment may be taken against you.

You are hereby commanded to appear to file a written answer, at or before the expiration of fourteen days from the date of service of this citation upon you, at my office located at 1101 Elbel Road, Suite 6, Schertz, Texas 78154 to answer in the suit of: Terrisa Drake Vs. Collectech Diversified Inc, Lubbock Power And Light, being Cause # JSC3-1902 on the docket of said court, the Plaintiff's demand being for the sum of \$10,000.00 due upon SEE COPY OF ORIGINAL PETITION ATTACHED.

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand in Schertz, Guadalupe County, Texas, on this the 28th day of January, 2021.


Justice of the Peace, Pct. 3.
Guadalupe County

(210) 945-6685

Cause : JSC3-1902
Plaintiffs: Terrisa Drake

OFFICER'S RETURN

Came to hand on the _____ day of _____, 2021 at _____ o'clock _____ m.

Executed at _____ within the County of Lubbock,
at _____ o'clock _____ m. on the _____ day of _____, 2021 by delivering each in person,
a true copy of said citation together with accompanying copy of the petition and endorsed on such copy of
citation the date of delivery.

Not executed for the following reasons: _____.

The Defendant may be found at: _____.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY Delivered this 2 day of Feb, 2021

Kelly S. Rowe
Constable Deputy/ Sherriff
Lubbock County, Texas


Sheriff
By  Deputy

PETITION: SMALL CLAIMS CASE

CASE NO. (court use only) JSC3-1902

In the Justice Court, Precinct 3, Guadalupe County,

Texas PLAINTIFF Terrisa Drake

VS.

DEFENDANT(S): Collectech Diversified Inc, Lubbock Power and Light

Defendant(s) address: 1721 45th Street, Lubbock TX 79412, PO Box 2000, Lubbock TX 79407

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

§ 801 - False or misleading information representation (15 USC 1602e) (c)
Communicating or threatening to communicate to any person credit information
which is known or which should be known to be false, including
the failure to communicate that a disputed debt is disputed.

RELIEF: Plaintiff seeks damages in the amount of \$ 10,000, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____.

Additionally, plaintiff seeks the following: _____

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are: _____

☐ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please

check this box, and provide your valid email address: _____

Terrisa Drake
Petitioner's Printed Name

Jenny Anhe
Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

PO Box 273
Address of Plaintiff's Attorney, if any, or Plaintiff if none

Scheretz Tx 79154
City State Zip

806-218-1538 phone
Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS®
This form may be used for domestic and international mail.

From: Collectech Diversified I
Po Box 12027
Hubbuck TX 79452

To: Terrisa Drake
Po Box 273
Schertz TX 78154

PS Form 3817, April 2007 PSN 7530-02-000-9065

1000



\$1.50
R2305E125812-1

U.S. POSTAGE PA
FOM LETTER
HUBBUCK, TX
79452
OCT 28, 20
AMOUNT



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for m
This form may be used for domestic and international mail.

From: Collectech Diversified I
Po Box 12027
Hubbuck TX 79452

To: Terrisa Drake
Po Box 273
Schertz, TX 78154

PS Form 3817, April 2007 PSN 7530-02-000-9065

U.S. POSTAGE PAID
FOM LETTER
HUBBUCK, TX
79452
DEC 08, 20
AMOUNT

\$1.50

R2305E126231-7



1000

Collectech Diversified, Inc.
1721 45TH STREET
LUBBOCK, TX 79412
Phone (806)-762-2090

Date: 10/29/2020

TERRISA DRAKE
PO BOX 273
SCHERTZ TX 78154

This is an attempt to collect a debt and any information obtained will be used for that purpose. This is a communication from a professional debt collector.